

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1456

AN ACT

AMENDING SECTIONS 39-103, 41-1347 AND 41-1348, ARIZONA REVISED STATUTES;
RELATING TO PUBLIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 39-103, Arizona Revised Statutes, is amended to
3 read:

4 39-103. Size of public records: exemptions
5 A. All public records of this state or a political subdivision of this
6 state created on paper, regardless of weight or composition, shall conform to
7 standard letter size of eight and one-half inches by eleven inches, within
8 standard paper manufacturing tolerances.

9 B. This section does not apply to public records smaller than eight
10 and one-half inches by eleven inches, public records otherwise required by
11 law to be of a different size, engineering drawings, architectural drawings,
12 maps, computer generated printout, output from test measurement and
13 diagnostic equipment, machine generated paper tapes and public records
14 otherwise exempt by law. **ADDITIONALLY, RECORDS KEPT EXCLUSIVELY ON**
PHOTOGRAPHY, FILM, MICROFICHE, DIGITAL IMAGING OR OTHER TYPE OF REPRODUCTION
OR ELECTRONIC MEDIA AS PROVIDED IN SECTION 41-1348, SUBSECTION A ARE EXEMPT
FROM THE SIZE RESTRICTIONS OF THIS SECTION. ~~Upon~~ **ON** written application the
18 director of the Arizona state library, archives and public records may
19 approve additional exemptions from this section if based ~~upon~~ **ON** such
20 application the director finds that the cost of producing a particular type
21 of public record in accordance with subsection A **OF THIS SECTION** is so great
22 as to not be in the best interests of this state.

23 Sec. 2. Section 41-1347, Arizona Revised Statutes, is amended to read:
24 41-1347. Preservation of public records

25 A. All records made or received by public officials or employees of
26 this state in the course of their public duties are the property of ~~the~~ **THIS**
27 state. Except as provided in this article, the director and every other
28 custodian of public records shall carefully protect and preserve the records
29 from deterioration, mutilation, loss or destruction and, when advisable,
30 shall cause them to be properly repaired and renovated. All paper, ink and
31 other materials used in public offices for the purpose of permanent records
32 shall be of durable quality and shall comply with the standards established
33 pursuant to section 39-101. **ADDITIONALLY, THE CUSTODIAN OF RECORDS THAT**
KEEPS PHOTOGRAPHY, FILM, MICROFICHE, DIGITAL IMAGING OR OTHER TYPES OF
REPRODUCTION OR ELECTRONIC MEDIA PURSUANT TO SECTION 41-1348, SUBSECTION A
SHALL PROTECT RECORDS FROM LOSS OR DESTRUCTION PURSUANT TO STANDARDS THAT ARE
37 **ESTABLISHED BY THE DIRECTOR.**

38 B. Records shall not be destroyed or otherwise disposed of by any
39 agency of ~~the~~ **THIS** state, unless it is determined by the state library that
40 the record has no further administrative, legal, fiscal, research or
41 historical value. The original of any record produced or reproduced pursuant
42 to section 41-1348 may be determined by the state library to have no further
43 administrative, legal, fiscal, research or historical value. A person who
44 destroys or otherwise disposes of records without the specific authority of
45 the state library is in violation of section 38-421.

1 Sec. 3. Section 41-1348, Arizona Revised Statutes, is amended to read:

2 41-1348. Production and reproduction of records by agencies of
3 the state and political subdivisions: admissibility;
4 violation; classification

5 A. Each agency of ~~the~~ THIS state or any of its political subdivisions
6 may implement a program for the production or reproduction by photography or
7 other method of reproduction on film, MICROFICHE, DIGITAL IMAGING or OTHER
8 electronic media of records in its custody, whether obsolete or current, and
9 classify, catalogue and index such records for convenient reference. The
10 agency, ~~prior to~~ BEFORE the institution of any such program of production or
11 reproduction, shall obtain approval from the director of the types of records
12 to be produced or reproduced and of the methods of production, reproduction
13 and storage and the equipment which the agency proposes to use in connection
14 with the production, reproduction and storage. ON APPROVAL FROM THE
15 DIRECTOR, THE SOURCE DOCUMENTS MAY BE DESTROYED, BUT ONLY AFTER AN
16 ADMINISTRATIVE AUDIT AND AFTER SAFEGUARDS ARE IN PLACE TO PROTECT THE PUBLIC
17 RECORDS PURSUANT TO SECTION 41-1347, SUBSECTION A.

18 B. Except as otherwise provided by law, records reproduced as provided
19 in subsection A of this section are admissible in evidence.

20 C. The provisions of this section shall not be applicable to permit
21 destruction of current original affidavits of registration as that term is
22 used in section 16-163.

23 D. A head of an agency of this state or a political subdivision of
24 this state who violates this section is guilty of a class 2 misdemeanor.